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BOARD MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
CENTRAL VALLEY AUDITORIUM  
SACRAMENTO, CALIFORNIA

TUESDAY, APRIL 11, 2006

9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Ms. Margo Reid Brown, Chair

Mr. Jeffrey Danzinger

Ms. Rosalie Mul

Ms. Cheryl Peace

Ms. Patricia Wiggins

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Jennine Harris, Executive Assistant

Mr. Elliot Block, Staff Counsel

Mr. Steve Boyd, Staff

Ms. Wendy Breckon, Senior Staff Counsel

Mr. Keith Cambridge, Supervisor, Hauler & Manifest Section

Mr. Bob Conheim, Acting Deputy Director

Mr. Mitch Delmage, Manager, Waste Tire Management

Mr. Tom Estes, Deputy Director, Administration and Finance Division

Ms. Amalia Fernandez, Staff

Mr. Nate Gauff, Staff

Mr. Albert Johnson, Staff

Mr. Howard Levenson, Deputy Director, Permitting and Enforcement Division

Ms. Stacey Patenaude, Staff

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APPEARANCES CONTINUED

STAFF

Mr. John Smith, Acting Deputy Director

Mr. Terry Smith, Staff

Ms. Georgianne Turner, Supervisor, Enforcement and  
Permitting Section

ALSO PRESENT

Ms. Monica Cochran, Zone Administrator, Northeastern  
California RMDZ

Mr. Mark Korte, Tri-C Recycling

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1 PROCEEDINGS

2 CHAIRPERSON BROWN: I'd like to call the meeting  
3 to order.

4 Jennine, would you please call the roll for us  
5 this morning?

6 EXECUTIVE ASSISTANT HARRIS: Danzinger?

7 BOARD MEMBER DANZINGER: Here.

8 EXECUTIVE ASSISTANT HARRIS: Mulé?

9 BOARD MEMBER MULÉ: Here.

10 EXECUTIVE ASSISTANT HARRIS: Peace?

11 BOARD MEMBER PEACE: Here.

12 EXECUTIVE ASSISTANT HARRIS: Petersen?

13 Wiggins?

14 BOARD MEMBER WIGGINS: Here.

15 EXECUTIVE ASSISTANT HARRIS: Chair Brown?

16 CHAIRPERSON BROWN: I'm here.

17 I'd like to remind everybody to turn cell phones  
18 off and PDAs or put them in the vibrate mode. If you  
19 intend to approach a microphone to speak, I would request  
20 that you actually turn it off completely.

21 There are speaker slips in the back of the room.  
22 If anybody intends to speak, please fill them out and  
23 bring them to Jennine Harris.

24 We will be going into closed session at the  
25 conclusion of our regular scheduled business, and we'll

1 adjourn from there.

2 Do we have any ex partes to report?

3 BOARD MEMBER MULÉ: I'm up to date, Madam Chair.

4 CHAIRPERSON BROWN: Thank you.

5 BOARD MEMBER PEACE: I'm also up to date.

6 BOARD MEMBER WIGGINS: I'm current.

7 BOARD MEMBER DANZINGER: Up to date.

8 CHAIRPERSON BROWN: Thank you.

9 On my list we're doing the Pledge of Allegiance  
10 today. Could I ask everybody to stand, and we'll ask  
11 Member Mulé to please lead us in the Pledge of Allegiance.

12 (Thereupon the Pledge of Allegiance was  
13 recited in unison.)

14 CHAIRPERSON BROWN: Thank you.

15 I think at this time we'll go directly to Board  
16 member reports and we'll begin with Member Danzinger.

17 BOARD MEMBER DANZINGER: Just a couple quick  
18 references. It was a busy month for facility visits and  
19 workshops. Among with the facilities, I visited one with  
20 Members Brown and Mulé, the Sacramento Recycling Transfer  
21 Station Single Stream, wave today, wave tomorrow. Thank  
22 you, Evan. And some very good workshops put on by our  
23 staff including on DRS and 1497. Thank you very much for  
24 that.

25 CHAIRPERSON BROWN: Thank you, Member Danzinger.



1 Member Mulé?

2 BOARD MEMBER MULÉ: Thank you, Madam Chair.

3 I had the privilege to join you and several  
4 members of our staff at the Mariposa County Composting  
5 Facility opening. A unique facility where they're taking  
6 MSW and composting it. And this facility as you know was  
7 many years in the development process, and so it was  
8 really nice to finally have this facility opened. It's a  
9 partnership with the federal government, obviously with  
10 the Waste Board, and then local government as well.

11 I then also joined you and Board Member Danzinger  
12 at the Yolo County Landfill where we got to see the  
13 landfill as well as the bioreactor demonstration project  
14 that they've been conducting for a number of years.

15 And then we traveled out to the Western Regional  
16 Landfill and Material Recovery Facility, which is a dirty  
17 MRF.

18 And then also we went on to Sacramento Transfer  
19 and Recycling Facility that BLT operates.

20 On March 29th, I had the privilege of  
21 attending for part of it, although not all of it, the  
22 illegal dumping task force meeting. This was our first  
23 meeting, and I know, Howard, you're going to be giving us  
24 an update on that. But I just want to mention that I'm  
25 very pleased with the profile of participants that we have

1 involved in this. We have Bureau of Land Management,  
2 local governments, State government representatives,  
3 private sector haulers, all trying to address the issue of  
4 illegal dumping.

5 Speaking of illegal dumping, Chair Brown and I  
6 attended Sacramento County's press event on illegal  
7 dumping, and also attended the 1497 workshop that, again,  
8 staff is doing a great job in putting together this reg  
9 package. And I'm really pleased with where we're at with  
10 that process right now. And it seems like there is quite  
11 a bit of agreement and consensus on the regulations, which  
12 we've come a long way from where we were a year ago. So I  
13 want to congratulate and thank staff for the good job  
14 they've done with that.

15 That concludes my report. Thank you.

16 CHAIRPERSON BROWN: Thank you.

17 Member Peace.

18 BOARD MEMBER PEACE: On March 22nd, I visited the  
19 IRS, Internal Removal Specialists, in Los Angeles. They  
20 specialize in tenant improvement demolition. They recycle  
21 72 percent of what they demo, and they're working on an  
22 expansion with a new sorting line so they hope that will  
23 allow them to get to 90 percent recycling. They are the  
24 largest recycler of ceiling tiles in the west. All the  
25 wall board gets recycled into soil amendment, and most of

1 their wood goes to Mexico. A lot of it has been donated  
2 to build churches there. All the metal is salvaged and  
3 sold.

4 The unused carpet was going to China, but China  
5 didn't want it anymore, so it was going to L.A. Fibers,  
6 but the commercial carpeting that they take out of their  
7 commercial buildings was slowing down the machines at L.A.  
8 Fibers. So L.A. Fibers didn't want to take it any more  
9 either. So now the carpet goes to the Puente MRF and then  
10 to the waste to energy plant in the city of Commerce. It  
11 isn't going to a landfill.

12 All the interior furniture, file cabinets,  
13 computers, et cetera, that is recovered is donated to  
14 nonprofit organizations. Eighty percent of all their  
15 donations goes through our CalMAX Program. Richard Lute  
16 said our CalMAX Program is extremely effective for them  
17 and that L.A. Shares wouldn't work for them because L.A.  
18 Shares requires photographs, inventory, and a running  
19 total of all items which would be time prohibitive for  
20 their operation.

21 He couldn't say enough good things about our  
22 CalMAX Program and Diana Rivera's help. In fact, Richard  
23 said the IRS had demode a restaurant that had just locked  
24 up and left everything from all the dishes to the  
25 appliances, and no one here wanted them because they were

1 all electric. So it was our CalMAX Program that arranged  
2 for transfer of all that kitchen equipment to an orphanage  
3 in Romania.

4 What was also encouraging for the future is that  
5 while I was there, the Art Center College of Design had a  
6 class tour as part of their study of sustainable building.

7 I also toured L.A. Fibers. They are the leading  
8 recycler of textile and carpet west of the Mississippi.  
9 They divert enough material, Ronald says, each year to  
10 fill three Rose Bowls. They diverted 75 million pounds in  
11 2005. And with the expansion they are planning, the L.A.  
12 Fiber plans to recycle 100 million pounds in 2006.

13 From the carpet they recycle, they produce  
14 commercial grade carpet padding and auto padding which is  
15 100 percent post-consumer and plastic pellets which are  
16 sold to produce plastic parts.

17 When L.A. Fiber started in 1983,  
18 post-manufacturing textile scraps were a big part of their  
19 business. The scraps were shredded to make fiber fill for  
20 decorative pillows and that sort of thing. But ever since  
21 NAFTA, however, many of our major manufacturers like  
22 Jockey and Levi Strauss have moved overseas, so there  
23 isn't nearly as much textile scrap to recycle.

24 Ronald Gretzer, the President of L.A. Fibers,  
25 couldn't say enough good things about our RMDZ Program.

1 He said Corky Mau and Dassi Pintar have been so helpful  
2 and that Jim La Tanner had helped save his business by  
3 restructuring his RMDZ loan after one of his big clients  
4 went belly up and couldn't pay their large bill. Also  
5 thanks goes out to John Blue for all of his help.

6           Seems like no matter where I go, I just hear over  
7 and over again what a great staff that we have and how  
8 helpful you all are. And I guess it really makes me proud  
9 to work here, and I really feel lucky to be a part of it.

10           That concludes my report.

11           CHAIRPERSON BROWN: Thank you.

12           Member Petersen is absent today, and we'll move  
13 to Member Wiggins.

14           BOARD MEMBER WIGGINS: Thank you.

15           An March 24th, I spoke at the Solid Waste  
16 Association of North America, SWANA, Northern and Central  
17 California Chapters meeting. And we had interesting  
18 conversations about the ubiquitous nature of universal  
19 waste. And actually when they find even if it's an  
20 unbroken rod in their load, that is considered  
21 contaminated, and they have to take it to another  
22 recycling center. So there's some issues that need to be  
23 worked out on this, and it was interesting to learn from  
24 the people who are doing the work what works and what  
25 doesn't work.

1           And then on March 28th, I visited the Fire and  
2   Light manufacturing facility in Arcata. And they have  
3   beautiful products. And actually their plates are being  
4   used for the WRAP Awards presented to them engraved. And  
5   they had not applied for a WRAP Award themselves. So I  
6   encouraged them to do so. However, at that time I didn't  
7   know that the application process was being postponed, and  
8   so I made a fool of myself.

9           On April 3rd, we had that great workshop on  
10   permit implementation regulations, and I'm glad that, you  
11   know, we require a public meeting for revised and new  
12   permits so we know every facility will have to have a  
13   public meeting within one year of their proposed permit.  
14   The AWI permit is a great example of how much we need  
15   these regulations, and staff has done a great job getting  
16   them this far. And I thank you.

17           And then last Friday, I went to the  
18   groundbreaking of what will be a new state-of-the-art  
19   recycling center on the Samoa Peninsula in Humboldt  
20   County. And it is going to be really a fantastic -- I'm  
21   just amazed at what they're able to accomplish there.

22           So that's it.

23           CHAIRPERSON BROWN: Great. Thank you.

24           I think most of my report has already been given.

25           But I did want to mention, Pat, I agree with you

1 on the WRAP Awards. I think that the intention is to keep  
2 the program in place and just improve the material content  
3 that is going out from the Board to improve it. So I'm  
4 anticipating we will do that in very short order, and I  
5 apologize from the dias if that was not communicated to  
6 you directly.

7 BOARD MEMBER WIGGINS: The issue, excuse me, is  
8 that the Board was not informed of this postponement.  
9 That's the issue.

10 CHAIRPERSON BROWN: I realize that. And my  
11 apology is extended again that that was not notified to  
12 you.

13 As Member Mulé mentioned, we did attend the  
14 Sacramento County launched their illegal dumping task  
15 force to great success here in Sacramento, and want to  
16 thank the staff for their hard work in putting that event  
17 together. It was very well attended, and we got a lot of  
18 publicity in this greater Sacramento region on the illegal  
19 dumping grant that we gave Sacramento County.

20 Also wanted to thank our Household Hazardous  
21 Waste Division that put together an excellent information  
22 exchange program in Anaheim which I attended. And they  
23 just do a phenomenal job on helping local jurisdictions  
24 with their assistance especially with u-waste roll-out.  
25 There was a lengthy discussion of how different

1 jurisdictions are handling their u-waste, e-waste, and  
2 other best practices that they share, and those are  
3 tremendous local assistance for jurisdictions.

4           So that concludes my report. I will now move to  
5 our Executive Director's report.

6           Mark.

7           EXECUTIVE DIRECTOR LEARY: Thank you, Madam  
8 Chair. Good morning, Chair and Members.

9           A brief report in the spirit of a relatively  
10 short agenda today. All of my news is good news coming  
11 out of the Office of the Education and the Environment.  
12 Principally, we've completed the process, a competitive  
13 selection process, by which the State Education and  
14 Environment Round Table was selected as our principal  
15 consultant for the Education and the Environment  
16 Initiative.

17           The Board will recall the principal behind State  
18 Education and Environment Round Table, otherwise known as  
19 SEERs, Dr. Jerry Lieberman who has, in fact, worked with  
20 us before and has been very instrumental in assisting us  
21 in moving as far along as we are today on the development  
22 of the Education and Environment Initiative. Now that  
23 he's been selected as our principal consultant, I look  
24 forward to a continued strong collaborative relationship  
25 with him to make things happen.



1           Secondly, the Office of Education and the  
2 Environment has selected the California State University  
3 Chico to spearhead our efforts to recruit curriculum  
4 writers in support of the Education and Environment  
5 Initiative. We have entered into an interagency agreement  
6 with Chico State and are looking forward to them  
7 supplementing their own expertise to develop and forward  
8 four Request of Proposals to recruit additional curriculum  
9 writers nationwide. They'll be conducting a national  
10 search so we'll get the best talent available.

11           And then finally I think a credit to our  
12 ever-increasing standing in the education community,  
13 Theresa Bober of our Office of Education and the  
14 Environment was appointed by the State Board of Education  
15 to participate in what they call the IMAP, Instructional  
16 Materials Advisory Panel, for the 2006 science primary  
17 textbook adoption. In this roll, the IMAP members were  
18 reviewing the instructional materials ultimately in  
19 preparing for the science textbook adoption that will  
20 occur next year.

21           I think it's a great credit to Theresa, a former  
22 teacher, and our own staff in the education effort that  
23 we've been so recognized and she's participating in. I  
24 understand that there's some 400 materials to be reviewed.  
25 So I think that Theresa probably is doing a lot of

1 homework.

2 But with that, Madam Chair, I conclude my report.

3 CHAIRPERSON BROWN: Thank you very much, Mark.

4 Do we have any public comment at this time?

5 We will move to the consent agenda, Items 2, 3,

6 6, 7 Revised, and 9 Revised are on the consent agenda.

7 Could I have a motion? Does anybody want to  
8 remove anything from the consent agenda?

9 Without having heard any --

10 BOARD MEMBER MULÉ: I move approval of the  
11 consent agenda.

12 BOARD MEMBER PEACE: Second.

13 CHAIRPERSON BROWN: It's been moved by Member  
14 Mulé and seconded by Member Peace.

15 Could you call the roll, please, Jennine?

16 EXECUTIVE ASSISTANT HARRIS: Danzinger?

17 BOARD MEMBER DANZINGER: Aye.

18 EXECUTIVE ASSISTANT HARRIS: Mulé?

19 BOARD MEMBER MULÉ: Aye.

20 EXECUTIVE ASSISTANT HARRIS: Peace?

21 BOARD MEMBER PEACE: Aye.

22 EXECUTIVE ASSISTANT HARRIS: Wiggins?

23 BOARD MEMBER WIGGINS: Aye.

24 EXECUTIVE ASSISTANT HARRIS: Brown?

25 CHAIRPERSON BROWN: Aye.

1           We have Item 5 is on the fiscal consent, and this  
2 will be taken up as we move through the fiscal consent  
3 items.

4           Item 4 was heard in Committee only.

5           Items 8 and 15 have been pulled from the agenda.

6           Items 1, 10, 11, 12, 13, 14, and 16 will be heard  
7 at the conclusion of the fiscal consent items.

8           We have one item of continued business that we  
9 will hear in the full Board. And we will move to that  
10 item at the conclusion of the Special Waste agenda items,  
11 which are 10 through 16.

12           And I would like to move now to our new business  
13 agenda and ask Acting Chair Peace if she wishes to make a  
14 comment on the Sustainability and Market Development  
15 Committee.

16           BOARD MEMBER PEACE: Yes. I Chaired the  
17 Sustainability and Market Development Committee last week,  
18 as Board Member Petersen wasn't able to attend because he  
19 was unable to travel.

20           Gary, I know you're listening, so please know we  
21 are all thinking of you and hope you are back soon.

22           The Committee considered two items last week:  
23 The amended NDFE for the City of Stockton to include the A  
24 Plus Material Recycling Facility; and a base year change  
25 to 2003 and a petition for sludge diversion credit for the

1 unincorporated area of El Dorado County. Both items were  
2 placed on consent.

3 In addition, Lorraine Van Kekerix and Sherrie  
4 Sala-Moore from the Diversion, Planning, and Local  
5 Assistance Division presented a workshop item for the  
6 Board members on the Diversion Rate Measurement System.  
7 This was the second in a series of presentations designed  
8 to prepare the Board members for the next biennial review  
9 cycle.

10 They also presented an overview of an option for  
11 alternative compliance system developed by staff that has  
12 already been discussed with our stakeholders at several  
13 public workshops. The new system will rely on county-wide  
14 disposal data as a diversion indicator rather than solely  
15 by jurisdiction. It will focus on diversion programs  
16 rather than strict numbers and reduce the amount of time  
17 spent on reporting to the Board. Jurisdictions actually  
18 will have more time to implement their programs.

19 You know, a lot of work has gone into developing  
20 this new compliance system. Sounds like a great  
21 improvement to me. It is, however, something that does  
22 need to be changed statutorily. So in my view, I think we  
23 need to find an author and get it over to the Legislature  
24 and get moving.

25 So thank you, Lorraine and Sherrie, for the

1 excellent presentation.

2 CHAIRPERSON BROWN: Thank you, Board Member  
3 Peace.

4 Now we will move to Permitting and Enforcement.  
5 Chair Mulé, would you like to give a Committee report?

6 BOARD MEMBER MULÉ: Yes, Thank you, Madam Chair.  
7 We heard a total of five items. One was a  
8 landfill closure loan, Item 4, for the Neal Road Landfill  
9 in Butte County.

10 And we heard four permit items, one of which Item  
11 8 was pulled by the applicant late last week. That will  
12 be continued to next month's Permitting and Enforcement  
13 Committee meeting and then possibly to the full Board.

14 And that concludes my report. Thank you.

15 CHAIRPERSON BROWN: Thank you.

16 We have one item on fiscal consent. Howard,  
17 would you like to present the item, please?

18 DEPUTY DIRECTOR LEVENSON: Thank you, Madam  
19 Chair, and good morning, Board members. Howard Levenson,  
20 Deputy Director for Permitting and Enforcement.

21 I'd like to make a short presentation on Agenda  
22 Item 5, which is Consideration of Application by Butte  
23 County for the Landfill Closure Loan Program Loan,  
24 Integrated Waste Management Account, Fiscal Year  
25 2005-2006.

1           As you know, AB 467 from the year 2002 authorized  
2 the Board to award interest-free loans to operators of  
3 unlined older landfills that desire to close early or to  
4 avoid or mitigate potential environmental problems. If  
5 these landfills don't close, they would otherwise have to  
6 comply with more stringent federal and State requirements  
7 in closing later on, in operating now and closing later  
8 on.

9           The priority in statute and regulations is for  
10 facilities that are small that are located in rural areas  
11 that have approved closure and post-closure maintenance  
12 plans and/or have highest risk to public health, safety,  
13 and the environment.

14           The total amount appropriated for the 2005-2006  
15 program cycle, this is our second cycle, this year we had  
16 \$630,000. We received two applications requesting funds  
17 for partial or complete closure. The total amount  
18 requested was a little over \$989,000. 500,000 of that was  
19 for the Neal Road Landfill in Butte County. 489,000 and  
20 change was for the Niland Solid Waste Site in Imperial  
21 County.

22           The application for the Niland Solid Waste Site  
23 in Imperial County did not meet the minimum eligibility  
24 requirements. Specifically, the enterprise fund that the  
25 County is using as their financial assurance mechanism to

1 fund closure is not currently in compliance with the  
2 required level of funding. The County has made required  
3 deposits for past deficiencies in closure funding, but it  
4 has not made the required deposit for the Niland site for  
5 the year 2005.

6 We have notified the County of its failure by  
7 letter. We've had telephone discussions with them, and we  
8 will continue to work with them to see if they can bring a  
9 successful application in in the next cycle.

10 The Review Committee scored the remaining  
11 application. And as a result, staff recommends fully  
12 funding the application from Butte County for the Neal  
13 Road Landfill for \$500,000 from fiscal year 2005-2006  
14 funds based on the County's passing score and the priority  
15 points ranking.

16 Before I make my final recommendation, I do just  
17 want to mention that in terms of outreach for this  
18 program, in general, it's a relatively new program. We  
19 typically have focused on Regional Council of Rural  
20 Counties, made presentations at some of their meetings,  
21 and then spoken with individual counties and operators.

22 We did conduct a survey as part of the regulatory  
23 process and are aware of about 25 or 30 landfills that  
24 have expressed interest in potentially receiving loans  
25 when they are in the right financial shape and meet all

1 the requirements. About half of those are in Imperial and  
2 Mono Counties. So that may be a way to target some of our  
3 outreach efforts in the future.

4 With that, I'll just end by recommending Option  
5 1, that you approve the request for funding for the Butte  
6 County Road Landfill -- the Neal Road Landfill in Butte  
7 County and adopt Resolution 2006-60.

8 CHAIRPERSON BROWN: Thank you, Howard.

9 Do we have any questions for Board members?

10 BOARD MEMBER DANZINGER: I had a quick question.  
11 So will we get any more applications this year?

12 DEPUTY DIRECTOR LEVENSON: No. This cycle is  
13 complete.

14 BOARD MEMBER DANZINGER: So we will not be fully  
15 subscribed for this cycle?

16 DEPUTY DIRECTOR LEVENSON: That's correct.

17 BOARD MEMBER DANZINGER: What happens to this  
18 money?

19 DEPUTY DIRECTOR LEVENSON: I'll defer to Tom, but  
20 I believe that goes back into the Integrated Waste  
21 Management Account.

22 BOARD MEMBER DANZINGER: This is not use it or  
23 lose it?

24 DEPUTY DIRECTOR ESTES: No.

25 BOARD MEMBER DANZINGER: You actually answered my



1 other question pretty much through the presentation as to  
2 what we're going to do prospectively on putting the word  
3 out and getting fully subscribed on this stuff. Thanks.

4 CHAIRPERSON BROWN: Thank you.

5 Member Peace.

6 BOARD MEMBER PEACE: Once you get the word out on  
7 this new program, do you think \$630,000 a year is going to  
8 be enough for the demand?

9 DEPUTY DIRECTOR LEVENSON: Well, it's hard to  
10 tell. We've had -- I can't remember exactly how many  
11 applications we had last year, but I think we had three  
12 last year and two this year. We have funded now if you  
13 approve this one a total of three of those applications.  
14 It is possible that if you do more outreach we would get a  
15 few more applications.

16 On the other hand, sometimes the counties want to  
17 keep these landfills open for a little while. We have  
18 regulations that try to address that from what we call a  
19 trickling side of the world. But they may keep them open  
20 for various reasons. They may not be ready to close them  
21 right away. So it's hard to predict.

22 The statute does cap any particular loan at  
23 \$500,000. The applications have tended to be for amounts  
24 approaching \$500,000, so it would be difficult to fund two  
25 applications that came in at that amount with the current

1 funding level.

2 BOARD MEMBER PEACE: So it looks like we can only  
3 do about one a year in reality.

4 DEPUTY DIRECTOR LEVENSON: Yeah.

5 BOARD MEMBER PEACE: Thank you.

6 CHAIRPERSON BROWN: Any other questions?  
7 Can I have a motion?

8 BOARD MEMBER MULÉ: I move Resolution 2006-60.

9 BOARD MEMBER PEACE: Second.

10 CHAIRPERSON BROWN: It's been moved by Member  
11 Mulé and seconded by Member Peace.

12 Can we call the roll, please?

13 EXECUTIVE ASSISTANT HARRIS: Danzinger?

14 BOARD MEMBER DANZINGER: Aye.

15 EXECUTIVE ASSISTANT HARRIS: Mulé?

16 BOARD MEMBER MULÉ: Aye.

17 EXECUTIVE ASSISTANT HARRIS: Peace?

18 BOARD MEMBER PEACE: Aye.

19 EXECUTIVE ASSISTANT HARRIS: Wiggins?

20 BOARD MEMBER WIGGINS: Aye.

21 EXECUTIVE ASSISTANT HARRIS: Brown?

22 CHAIRPERSON BROWN: Aye.

23 We will now move to Agenda Item 10. And before  
24 that, I will offer, since we did not hear a Special Waste  
25 Committee meeting this week, a Deputy Director's report if

1 there is one. Mitch, do you have one in Jim's absence, or  
2 would you like to move directly to Item 10?

3 WASTE TIRE DIVERSION MANAGER DELMAGE: I do not  
4 have a report.

5 CHAIRPERSON BROWN: Okay. We'll move directly to  
6 Agenda Item 10, Consideration of a Grant Award for the  
7 Target Rubberized Asphalt Concrete Incentive Grants. And  
8 we have Nate Gauff making that presentation.

9 MR. GAUFF: Good morning, Madam Chair, Board  
10 members. I'm Nate Gauff with the Special Waste Committee.  
11 I want to be able to read my notes here while I'm talking.

12 Item 10 is the award of the grants for the  
13 Targeted Rubberized Asphalt Incentive Program. This is  
14 the third grant award we've had this year. Previously, we  
15 awarded 16 grants totaling \$2.55 million. In this cycle  
16 we have one grant, which is the City of McFarland, and  
17 they're requesting \$150,000. Any questions?

18 CHAIRPERSON BROWN: Any questions from any of the  
19 Board members?

20 BOARD MEMBER PEACE: I don't have any questions.  
21 I have a comment. The City of McFarland was fined by the  
22 Board in 2004 for failing to meet conditions of the  
23 Compliance Order relative to implementation of their Solid  
24 Waste Diversion Program, and I understand they are now in  
25 compliance with that Order. But I remember at that

1 hearing we said if you want to show to us you are making a  
2 good faith effort to meet your 50 percent diversion that  
3 you need to buy recycled, you need to adopt a C&D  
4 ordinance, and you need to lay some RAC. So I think this  
5 is really exciting that they are doing this.

6 CHAIRPERSON BROWN: Absolutely.

7 Any other questions from Board members?

8 Could we have a motion?

9 BOARD MEMBER PEACE: I'd like to move Resolution  
10 2006-62.

11 BOARD MEMBER MULÉ: Second.

12 CHAIRPERSON BROWN: It's been moved by Member  
13 Peace and seconded by Member Mulé.

14 Could you call the roll, please, Jennine?

15 EXECUTIVE ASSISTANT HARRIS: Danzinger?

16 BOARD MEMBER DANZINGER: Aye.

17 EXECUTIVE ASSISTANT HARRIS: Mulé?

18 BOARD MEMBER MULÉ: Aye.

19 EXECUTIVE ASSISTANT HARRIS: Peace?

20 BOARD MEMBER PEACE: Aye.

21 EXECUTIVE ASSISTANT HARRIS: Wiggins?

22 Brown?

23 CHAIRPERSON BROWN: Aye.

24 Can you hold the vote open for just a few  
25 minutes, please, Jennine?

1           And we'll move to Agenda Item 11, Consideration  
2 of Grant Awards for the Rubberizezd Asphalt Concrete Grant  
3 Program. Nate.

4           MR. GAUFF: For Item 11, I do have a change which  
5 Jennine will hand out. I'll let you guys get that before  
6 I start.

7           Item 11 is the Kuehl Bill Grant Award. This is  
8 the third year that we've had this program. Previously,  
9 we awarded in the neighborhood of \$2.4 million.  
10 Basically, \$1.2 million in 03-04 and roughly 1.2 million  
11 in 04-05. This year, we had an increase in allocation of  
12 \$1.663 million. We received 48 applications, of which we  
13 deemed 44 eligible and complete.

14           The ranking list is in Attachment 1 which you  
15 just received, and I want to highlight some of the changes  
16 we'd just had in that since the item was published. An  
17 oversight on staff's part.

18           We did in this grant program in the criteria have  
19 a rural set-aside in which we set aside 10 percent of the  
20 allocation for rural jurisdictions. And as an oversight,  
21 the City of Brawley and the City of Lincoln were put on  
22 the B List because they had smaller projects. And we were  
23 into the part of the funding that exceeded the allocation.  
24 But they should be on the A List in the sense they should  
25 have received consideration on 10 percent rural set-aside.

1 So we have subsequently changed that so that City of  
2 Brawley and City of Lincoln are on the A List.

3 Because of that, we bumped the Sacramento  
4 County -- the last Sacramento County grant which was  
5 partially funded and also the City of McFarland grant  
6 which was partially funded to the B List to once again  
7 follow the criteria that should have been.

8 That did revise the total slightly. Now on the A  
9 List, we're \$121 short of full allocation. And then the B  
10 List basically remains the same, and the total funding  
11 also remains the same. The total request was \$1,735,742.  
12 Those are all the eligible applicants. So we're  
13 recommending that, you know, obviously that the Board  
14 fully fund all eligible applicants if money becomes  
15 available.

16 Are there any questions?

17 CHAIRPERSON BROWN: Any Board member questions?

18 Member Mulé.

19 BOARD MEMBER MULÉ: Thank you, Madam Chair.

20 I just do have a question on the A List as to why  
21 Sacramento County has multiple funding. Is that for  
22 individual projects or --

23 MR. GAUFF: Well, in the past what we did is each  
24 project had its own separate application in the past the  
25 first two years. This year, we allowed jurisdictions to

1 group their projects together into one application.

2           So for example, Los Angeles County at the top of  
3 the list has one application, but they have I believe  
4 seven projects -- seven separate projects in that one  
5 application. Sacramento County for whatever reason choose  
6 to approach it the old way, and so they submitted an  
7 application for each project. That's why they have  
8 several listings within the A List, because once again  
9 they submitted a separate application for each project.

10           CHAIRPERSON BROWN: But they're stilled capped at  
11 the 150?

12           MR. GAUFF: Correct.

13           CHAIRPERSON BROWN: That's why some of their  
14 projects moved over to List B, was because they exceeded  
15 the 150 on List A or --

16           MR. GAUFF: Well, the first project listed on  
17 List B, which is Sacramento County, that project if funded  
18 would bring them up to the \$150,000 limit. The two  
19 projects at the bottom of List B are two projects that  
20 exceed the \$150,000 limit, which we do have provisions in  
21 the criteria to do that, but they go to the bottom of all  
22 eligible listings. That's why they're on the bottom of  
23 the B List on the last two projects.

24           CHAIRPERSON BROWN: Thank you.

25           Does anybody else have any other questions from

1 Board members?

2 I do have one, and I don't know whether we direct  
3 it to Mark or to the Deputy Director. If the Board so  
4 chose to fund the List B now rather than wait until  
5 reallocation, is that possible to do at this particular  
6 meeting rather than wait until May?

7 EXECUTIVE DIRECTOR LEARY: Madam Chair, I think  
8 it's the Board's wishes we can fulfill. It's contrary to  
9 how we've conducted the process in the past, because the  
10 Board has expressed in the past an interest in having all  
11 those reallocation projects considered at the same time.  
12 But there's no hard and fast rule, regulation, or policy.  
13 It's really largely been a matter of practice that we've  
14 waited until the end of the year when all the reallocation  
15 projects are brought forward. If this Board wants to  
16 reallocate for this item for this purpose today, we  
17 certainly can do that.

18 CHAIRPERSON BROWN: Okay. Well, I would defer to  
19 the recommendations of the rest of Board.

20 The question arises, if we are promoting RAC and  
21 trying to get RAC usage up, whether this amount of 72,000  
22 is where we want to spend some of our reallocation money  
23 and whether there's a point of waiting until the May Board  
24 meeting to do reallocation of an amount like 72,000. So  
25 I'll defer to any comments from Board members.



1           BOARD MEMBER DANZINGER: I want to ask a quick  
2 question.

3           Do we have an established prioritization among  
4 programs for unallocated moneys?

5           CHAIRPERSON BROWN: I don't think so. I think  
6 the Board -- we heard an agenda item in February as a  
7 precursor to the May reallocation of what may be possible.  
8 And then at May, we get a complete list of requests for  
9 reallocation funds and a complete list of what is  
10 available.

11          BOARD MEMBER DANZINGER: So we don't say if we've  
12 got a batch of things to consider on reallocation, this  
13 thing or that thing is priority over these things?

14          CHAIRPERSON BROWN: Yeah.

15          BOARD MEMBER DANZINGER: I'm just thinking if RAC  
16 is considered at this point in time to be a number one or  
17 number two priority that we consider with reallocation  
18 funds, maybe we don't get ourselves into a precedent  
19 problem here. That would be my concern, is spending the  
20 money now and then you have a reallocation item at some  
21 point in the future and you're taking up all these other  
22 items, and you have one priority that was superceded by  
23 another. But if this is a high priority --

24          MR. GAUFF: Madam Chair, may I add something for  
25 the Board's consideration?

1           As far as the B List and the reallocation, we've  
2   done that in two previous years and we did wait until the  
3   May reallocation item came up to reallocate funds to the  
4   grants that ended up on the B List. And from a staff  
5   standpoint, that worked out fine in that we were able to  
6   execute the grant agreements with the jurisdictions at  
7   that point.

8           CHAIRPERSON BROWN: Thank you, Nate.

9           WASTE TIRE DIVERSION MANAGER DELMAGE: Madam  
10   Chair, Mitch Delmage of the Waste Tire Program sitting in  
11   for Jim Lee.

12           To further answer Mr. Danzinger's question, we do  
13   set forth priorities within the Five-Year Plan. And the  
14   top priority is strengthen and expand markets for  
15   rubberized asphalt, concrete, civil engineering, and other  
16   tire derived products. So we do in that sense have  
17   priorities set.

18           BOARD MEMBER MULÉ: Excuse me. Thank you, Madam  
19   Chair.

20           As I recall last year, maybe Board Member Peace  
21   can help refresh my memory here, but my recollection is  
22   that we did develop some priorities. We did look at  
23   funding. I see you shaking your head yes. So I didn't  
24   imagine this. We did look at funding those projects that  
25   weren't fully funded that were on the B List. We did have

1 funding priorities for our reallocation, as I recall.

2 BOARD MEMBER DANZINGER: Did those priorities  
3 extend beyond the Tire Program? It was other programs as  
4 well or just within the Tire Program?

5 BOARD MEMBER MULÉ: I believe it was just within  
6 the Tire Program last year. This was for the May  
7 reallocation item for the Tire Program.

8 CHAIRPERSON BROWN: Member Wiggins.

9 BOARD MEMBER WIGGINS: What did you say the  
10 amount would be that would be left after the List B and A?

11 MR. GAUFF: For this item, we are going to fully  
12 expend the allocation to the A List. And in the B List,  
13 it would be \$72,863 that would need to be reallocated to  
14 fully fund the B list.

15 BOARD MEMBER WIGGINS: So there isn't money for  
16 the B List. I guess I missed that.

17 CHAIRPERSON BROWN: This particular program  
18 doesn't fund the B List at this time. We would be looking  
19 at reallocation funds for the 72,000 --

20 BOARD MEMBER WIGGINS: Okay.

21 CHAIRPERSON BROWN: -- which we anticipate we  
22 will have. And my only question is, since we're so late  
23 in the process, whether it just makes sense to do it now  
24 rather than wait 30 days. But we can wait and do it  
25 during the process.

1           BOARD MEMBER WIGGINS: That makes sense if that's  
2 what we've done in the past. Thank you.

3           CHAIRPERSON BROWN: Any other questions?

4           BOARD MEMBER MULÉ: Well, Madam Chair, I would  
5 support funding these now since we -- based on our  
6 February item, we know that we have the funds available.  
7 We had, what, nearly a million dollars in funds available.  
8 This is just under 73,000, so I could support funding all  
9 of these projects today. Thank you.

10          BOARD MEMBER DANZINGER: I think I agree with  
11 that. I'm comfortable with that.

12          BOARD MEMBER PEACE: I guess just from where I  
13 come from, I kind of like to see the whole picture.  
14 Because we know there's Amnesty Day events. I can't  
15 remember if those were oversubscribed or undersubscribed.  
16 Cleanup grants, I like to see the whole picture first  
17 before I start piecemealing things.

18          But on the other hand, I do know that there is  
19 plenty of money there and that we should have the money to  
20 fund this. And also the Rubberized Asphalt Concrete  
21 Conference that's coming up in October, that's really  
22 important too. So I don't know if we want to see all  
23 these things together or -- Mitch, you should know. There  
24 should be plenty of money there, right, to fund this?

25          WASTE TIRE DIVERSION MANAGER DELMAGE: Yes, Board

1 Member Peace. There should be enough funds to fully fund  
2 at least, you know, the RAC Program, at least portions of  
3 the Tire Derived Product Program and some other things  
4 that may come up.

5 BOARD MEMBER PEACE: The Tire Derived Product  
6 Program was the one that was really oversubscribed. That  
7 might be a place where we wouldn't be able to fund all of  
8 the applicants. But I think for most everything else we  
9 should be able -- we should have money there to fund just  
10 about everything else.

11 WASTE TIRE DIVERSION MANAGER DELMAGE: From a  
12 staff perspective, we can support whatever the direction  
13 of the Board is.

14 CHAIRPERSON BROWN: Thank you, Mitch.

15 Do we have any further questions?

16 We can entertain a motion revised and vote on  
17 that, and I think we need to -- can I have a motion?

18 BOARD MEMBER DANZINGER: I mean, correct me if  
19 I'm not wording it, but I'll make a motion to revise the  
20 Resolution to fund the B List applications as part of this  
21 Resolution.

22 CHAIRPERSON BROWN: Can I have a second?

23 BOARD MEMBER WIGGINS: Second.

24 CHAIRPERSON BROWN: It's been moved by Member  
25 Danzinger and seconded by Member Wiggins to add funding

1 for the B List allocation of \$72,863 to Resolution  
2 2006-63.

3 Do we need to vote? Can we take a vote on the  
4 amendment?

5 EXECUTIVE ASSISTANT HARRIS: Danzinger?

6 BOARD MEMBER DANZINGER: Aye.

7 EXECUTIVE ASSISTANT HARRIS: Mulé?

8 BOARD MEMBER MULÉ: Aye.

9 EXECUTIVE ASSISTANT HARRIS: Peace?

10 BOARD MEMBER PEACE: Aye.

11 EXECUTIVE ASSISTANT HARRIS: Wiggins?

12 BOARD MEMBER WIGGINS: Aye.

13 EXECUTIVE ASSISTANT HARRIS: Brown?

14 CHAIRPERSON BROWN: Aye.

15 Can I have a motion on Resolution 2006-63

16 Revised?

17 BOARD MEMBER MULÉ: I move Resolution 2006-63

18 Revised to include the B List for funding as well.

19 BOARD MEMBER DANZINGER: Second.

20 CHAIRPERSON BROWN: It's been moved and seconded.

21 Can we call the roll?

22 EXECUTIVE ASSISTANT HARRIS: Danzinger?

23 BOARD MEMBER DANZINGER: Aye.

24 EXECUTIVE ASSISTANT HARRIS: Mulé?

25 BOARD MEMBER MULÉ: Aye.

1 EXECUTIVE ASSISTANT HARRIS: Peace?

2 BOARD MEMBER PEACE: Aye.

3 EXECUTIVE ASSISTANT HARRIS: Wiggins?

4 BOARD MEMBER WIGGINS: Aye.

5 EXECUTIVE ASSISTANT HARRIS: Brown?

6 CHAIRPERSON BROWN: Aye.

7 Thank you.

8 Now we move to Agenda Item 12, Consideration of  
9 Grant Awards for the Waste Tire Enforcement Grant Program.  
10 We'll have Georgianne Turner.

11 (Thereupon an overhead presentation was  
12 presented as follows.)

13 SUPERVISOR TURNER: Good morning. Just before I  
14 hand this off to Amalia, who is our Grant Manager for the  
15 program, I wanted to do a very brief background on the  
16 program for everybody.

17 --o0o--

18 SUPERVISOR TURNER: As everybody knows, the  
19 Five-Year Plan has several components to it that help us  
20 tackle the tire problem in California. And our element  
21 that we deal with is the enforcement element. And a big  
22 chunk of what we do is \$6 million of our \$7.5 million goes  
23 to the enforcement grantees. So it's a big part of our  
24 program, and we spend a lot of resources supporting that.

25 --o0o--

1           SUPERVISOR TURNER: Without their assistance, we  
2 wouldn't be able to accomplish four of our seven primary  
3 objectives that we have listed here; primarily, the  
4 coverage of inspections, enforcement and surveillance of  
5 the waste tire businesses in the state, and then their  
6 help to bring those facilities who are in violations into  
7 compliance.

8                               --o0o--

9           SUPERVISOR TURNER: The grant covers -- tries to  
10 cover most of the costs of the program including all the  
11 personnel hours that it takes to identify tire piles,  
12 conduct routine inspections, assist the State with any  
13 complaints or investigations, provide education to the  
14 public, and conduct the initial enforcement process which  
15 we call the Notice of Violation. It also covers up to 20  
16 percent of the grant could be used for equipment including  
17 transportation and covers educational material costs.

18                              --o0o--

19           SUPERVISOR TURNER: This slide just briefly shows  
20 how much the program's grown over the last few years. And  
21 as you can see, we've kind of reached a plateau where we  
22 have grantees that are not able to dedicate the resources  
23 to the program are dropping out and fewer newer grantees  
24 are coming into the program, which is what we have  
25 expected. And even though we expect some growth, it will



1 be slow from here on out. One thing I think that's  
2 important to note is that this is a reimbursement grant,  
3 so we never give money out for work that hasn't been done.

4 --o0o--

5 SUPERVISOR TURNER: And so with this, I'd like to  
6 hand it off to Amalia to talk about this year's award  
7 item.

8 CHAIRPERSON BROWN: Thank you.

9 MS. FERNANDEZ: Good morning, Board members. I'm  
10 Amalia Fernandez of the Waste Tire Management Branch.

11 This agenda item presents staff recommendation to  
12 award grants for the fiscal year 2005-2006 Waste Tire  
13 Enforcement Grant Program.

14 --o0o--

15 SUPERVISOR TURNER: Staff has recommended funding  
16 grant applications based on the criteria and evaluation  
17 process approved by the Board in November 2005 which  
18 provides for consistent inspection coverage throughout the  
19 state, establish caps and illegible expenses and charges  
20 the fine, procedures for allocating available funding when  
21 the program is oversubscribed while maintaining a stable  
22 source of funding and provides ongoing program evaluation.

23 In November of 2005, staff distributed Notice of  
24 Funds Available, otherwise known as a NOFA, to  
25 approximately 600 interested parties. Board members and

1 staff conducted special outreach to the counties of  
2 Riverside and San Diego. Staff also encouraged additional  
3 jurisdictions to apply. Staff worked with the City of San  
4 Jose and the counties of Mendocino, Butte, Stanislaus, and  
5 Solano --

6 --o0o--

7 SUPERVISOR TURNER: -- three of which became new  
8 grant members: Mendocino, Butte, and Stanislaus. The  
9 deadline for applications was February 3rd, 2006. Board  
10 staff received 40 applications and is recommending funding  
11 for 39 applicants for a total of \$5,667,495.

12 From last year's grantees, there were three who  
13 dropped from the program. Those are the City and County  
14 of San Francisco, the City of Oakland, and the County of  
15 El Dorado.

16 With the Board's approval of this item, the  
17 proposed grantees will remain servicing approximately 71  
18 percent of the population in California. Staff is  
19 recommending that one applicant, Lake County, Division of  
20 Environmental Health, be disqualified for failing to  
21 submit a Resolution by March 17th, 2006. However, in the  
22 best interest of the program, we have offered to extend  
23 the time frame for the existing grant cycle, enabling Lake  
24 County to conduct tire enforcement activities after the  
25 current cycle ends.

1 --o0o--

2 SUPERVISOR TURNER: In conclusion, staff is  
3 recommending approval of the proposed awards and adoption  
4 of Resolution Number 2006-65.

5 This concludes staff's presentation. Are there  
6 any questions?

7 CHAIRPERSON BROWN: Thank you.

8 Do we have any questions?

9 Member Mulé.

10 BOARD MEMBER MULÉ: Thank you, Madam Chair.

11 I just have a question regarding the grantee  
12 training. Georgianne, if you want to answer that. I just  
13 have a question regarding the training. Where is that  
14 conducted, and is there like a north/south training, or is  
15 it individual grantees? Could you just expand on that?

16 SUPERVISOR TURNER: Our formal training is we do  
17 two round tables each year. And this year since we don't  
18 have a tire enforcement or the tire conference, we're  
19 partnering with the LEA conference. So we'll have three  
20 sessions and a field trip at the LEA conference. And so  
21 it's mandatory training that each grantee bring a  
22 representative so that we can transmit information and  
23 offer partnerships so they can learn from each other also.  
24 And then we also do informal training which is the field  
25 staff. We have field staff that are designated for those

1 particular counties, and they go out in the field and do  
2 field inspections with them and help them on more  
3 difficult sites and situations.

4 BOARD MEMBER MULÉ: Thank you very much.

5 CHAIRPERSON BROWN: Do we have any other Board  
6 member questions on this item?

7 Member Wiggins.

8 BOARD MEMBER WIGGINS: Why do you think Oakland  
9 pulled out?

10 SUPERVISOR TURNER: They were unable -- they  
11 actually had a really, really great program. There was a  
12 lady, who I can't remember her name, she was very gung ho,  
13 but she moved to another department. And they were never  
14 able to really backfill that resource. And so they just  
15 had resource issues.

16 BOARD MEMBER WIGGINS: It's a personnel issue  
17 then.

18 SUPERVISOR TURNER: Yeah.

19 BOARD MEMBER PEACE: I know in terms of personnel  
20 issues, we've heard that from several counties. I know  
21 our Enforcement staff, Georgianne Turner, Board Member  
22 Mulé, and myself, we worked really hard to try to get  
23 Riverside and San Diego County into the programs. And  
24 that's their whole thing is staffing, who do we give the  
25 program to. So we'll keep working. We'll keep trying.

1           I just have a question on the Resolution for Lake  
2 County. Did they ever get a Resolution in or was it just  
3 late, or they never sent one in?

4           SUPERVISOR TURNER: No resolution was sent in.  
5 You know, we called them as soon as we realized they  
6 weren't going to make the deadline and worked with them to  
7 extend this year's grant. So, you know, that was a  
8 solution. I think they weren't anticipating some  
9 information that their Board needed to make their  
10 decision. So I think next year we'll be on line and work  
11 with them to get their Resolution and their item before  
12 their Board a little bit earlier.

13          BOARD MEMBER PEACE: I'm glad you worked with  
14 them to extend the grant period. Because this is a  
15 program we don't want to discourage people. Most of our  
16 grant people are wanting our money. Here we're trying to  
17 give it out.

18          SUPERVISOR TURNER: We have a very dedicated  
19 staff there, and I want to keep her there.

20          BOARD MEMBER PEACE: Also, where it says long  
21 term, you know, impacts on C, it sounds to me like we're  
22 very concerned about adequate staffing as the program  
23 grows. I know we're getting some additional funds in the  
24 Governor's proposed budget. Are we getting any  
25 additional -- did I hear we're getting a couple extra

1 people for enforcement?

2 SUPERVISOR TURNER: I'll let Mitch discuss that  
3 further, but I believe we are getting some positions.

4 WASTE TIRE DIVERSION MANAGER DELMAGE: Mitch  
5 Delmage of the Waste Tire Program.

6 In the Governor's budget, it shows 2.19  
7 positions -- 2.9 positions. We're not exactly sure at  
8 this point how those would be distributed.

9 BOARD MEMBER PEACE: Okay. Thank you.

10 CHAIRPERSON BROWN: Mark, would you like to --

11 EXECUTIVE DIRECTOR LEARY: Yes, Madam Chair.

12 Actually, Mitch just stole my thunder. I wanted  
13 to make the Board aware that we have identified additional  
14 resources in the Governor's budget and so far have  
15 received a favorable response in both Houses at least at  
16 the subcommittee level in their review of our budget. So  
17 we're looking to supplement our resources in this very  
18 important program and getting support from the Legislature  
19 and of course the Governor.

20 CHAIRPERSON BROWN: Thank you, Mark.

21 Member Wiggins.

22 BOARD MEMBER WIGGINS: Did you say that Lake  
23 County never sent the Resolution in? It wasn't just late,  
24 but it wasn't sent in?

25 SUPERVISOR TURNER: That's correct.

1           CHAIRPERSON BROWN: Any further questions?  
2           Can we have a motion?  
3           BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
4 Resolution 2006-65.  
5           BOARD MEMBER PEACE: Second.  
6           CHAIRPERSON BROWN: It's been moved by Member  
7 Mulé and seconded by Member Peace.  
8           Can we call the roll, please?  
9           EXECUTIVE ASSISTANT HARRIS: Danzinger?  
10          BOARD MEMBER DANZINGER: Aye.  
11          EXECUTIVE ASSISTANT HARRIS: Mulé?  
12          BOARD MEMBER MULÉ: Aye.  
13          EXECUTIVE ASSISTANT HARRIS: Peace?  
14          BOARD MEMBER PEACE: Aye.  
15          EXECUTIVE ASSISTANT HARRIS: Wiggins?  
16          BOARD MEMBER WIGGINS: Aye.  
17          EXECUTIVE ASSISTANT HARRIS: Brown?  
18          CHAIRPERSON BROWN: Aye.  
19          Jennine, could you complete the roll for Agenda  
20 Item 10?  
21          Pat, we've been holding the agenda item open,  
22 Agenda Item 10, for you.  
23          BOARD MEMBER WIGGINS: Oh, sure.  
24          EXECUTIVE ASSISTANT HARRIS: Wiggins?  
25          BOARD MEMBER WIGGINS: Aye.

1           CHAIRPERSON BROWN: Thank you.

2           Now we'll move to Agenda Item 13, Consideration  
3 of Contractor for Construction Management and Research  
4 Regarding Civil Engineering Application Using the Tire  
5 Derived Aggregate Concrete.

6           Stacey Patenaude.

7           MS. PATENAUDE: Good morning, Madam Chair,  
8 members of the Board. My name is Stacey Patenaude. I'm  
9 in the Special Waste Division here at the Waste Management  
10 Board.

11           Item 13 which I'll present to you today is  
12 Consideration of the Contractor for the Construction  
13 Management and Research Regarding Civil Engineering  
14 Applications Using Tire Derived Aggregate Contract.

15           This contract provides construction oversight,  
16 tire derived production assistance, education outreach,  
17 technical assistance to local and State government  
18 agencies, private entities who wish to use waste tires in  
19 civil engineering applications. This contract is an  
20 important part of the tire derived aggregate research and  
21 market development program here at the Board.

22           The contractor chosen for this contract will  
23 provide construction management oversight on projects in  
24 which waste tires are used as lightweight or vibration  
25 attenuation layers, erosion control, drainage layers, and



1 other civil engineering applications. This contract can  
2 also be used to purchase tire derived aggregate material  
3 for selected projects which are deemed appropriate by the  
4 Waste Board staff.

5 Two Statement of Qualifications were received in  
6 response to the Board's Request for Qualifications. The  
7 selection panel has chosen SCS Engineering as the most  
8 qualified contractor for this contract.

9 Staff would therefore recommend the Board approve  
10 Option 1, SCS Engineering, as the contractor for the  
11 construction management and research regarding civil  
12 engineering applications, using tire derived aggregate  
13 contract, and adopt resolution 2006-66. If you have any  
14 questions, I'd be a happy to answer them now.

15 CHAIRPERSON BROWN: Thank you, Stacey.

16 Member Mulé.

17 BOARD MEMBER MULÉ: Thank you, Madam Chair.

18 Thank you, Stacey. I just have a couple  
19 questions here. On page 13-1, third paragraph, it says,  
20 "SCS Engineering will be used to continue work on projects  
21 that have already been started by the California  
22 Department of Transportation and local governments." Do  
23 you have a list of those projects?

24 The reason why I'm asking is there is a lot of  
25 discussion -- we're out there promoting the use of TDA and

1 RAC. And it would be helpful I think for all of us to  
2 know what Caltrans is working on, because we get asked  
3 that question quite a bit, well, what are they doing. So  
4 it would be very helpful. I'm not asking for that list  
5 right now. But if you do have a list, if you could supply  
6 that to the Board, that would be very helpful.

7 Also could you give me a little bit more detail  
8 on the SCS's experience and qualifications with TDA?

9 MS. PATENAUDE: SCS, the company themselves,  
10 actually have not done any TDA projects. But they did sub  
11 with a contractor who has existing experience. Their sub  
12 is with Kennick Earth Engineering. That staff person who  
13 used to work for Brian A. Stirrat left Brian A. Stirrat  
14 about a year ago and started his own company. Brian A.  
15 Stirrat's experience solely rests on Joaquin Wright who  
16 now started his own company and teamed with SCS  
17 Engineering.

18 So the expertise in SCS stems solely with Joaquin  
19 Wright's construction management project -- I mean  
20 experience. Joaquin worked for IT Corporation, which was  
21 the first construction oversight contract for we had back  
22 in I think it was 2001. He was the construction oversight  
23 project manager for the Dixon Landing Project. He also  
24 worked on the Route 91 wall for us and then is currently  
25 helping us coordinate Wall 207 down in Riverside which

1 just started construction last week. So he came from IT,  
2 went to Brian A. Stirrat, and has left Brian A. Stirrat  
3 and is now teaming with SCS engineering.

4 BOARD MEMBER MULÉ: Okay. And then I just had  
5 another question on the 91 wall in Riverside. Have we  
6 conducted an evaluation? How's that going?

7 MS. PATENAUDE: We do quarterly ratings of the  
8 measurements. It hasn't changed. It's fairly static.  
9 The readings are skewed from what we had intended due to  
10 construction problems. The contractor when they placed  
11 the soil material and the tire derived aggregate used  
12 let's say a very large piece of equipment directly up  
13 against the wall. We asked this numerous times of the  
14 Caltrans construction personnel if that was an accepted  
15 practice with Caltrans and they said, oh, yeah, this is  
16 fine.

17 What we did find out was that we had a test  
18 section with soil and then the sections with TDA. The  
19 soil sections actually exceed the design parameters for  
20 that wall. So they not only over compacted the tire  
21 derived aggregate, they over compacted the soil. The soil  
22 instead of being exerting one third the pressure of soil,  
23 the tire derived aggregate, it exerts the amount of soil.  
24 The soils exceed the parameters for the wall. So the wall  
25 may have been damaged if you didn't have the tire derived

1 aggregate behind it.

2 After analyzing the data, it was a little bit  
3 of an eye opener for Caltrans and they have changed their  
4 practice for placement behind the wall. They did dig back  
5 in their specifications and find out there was  
6 restrictions on size of equipment you can place next to a  
7 wall and so forth. And they won't be doing that anymore.  
8 But we didn't get the data that we had hoped because of  
9 that practice. And the next wall will be constructed  
10 using the proper construction practices.

11 BOARD MEMBER MULÉ: Thank you very much, Stacey.

12 MS. PATENAUDE: Sure.

13 CHAIRPERSON BROWN: Very nicely put.

14 Any other questions?

15 Member Wiggins.

16 BOARD MEMBER WIGGINS: Yes. On 13-1, it says  
17 that they will provide construction management oversight,  
18 and one of the issues is vibration attenuation layers.  
19 Could you explain what that is?

20 MS. PATENAUDE: Yes. Back in 1999, the Waste  
21 Management Board conducted a study to determine if tires  
22 placed in a layer a foot to two-foot thick would absorb  
23 vibration specifically for light rail lines.

24 We did a study down at Chicago Gray at that time.  
25 The findings from that were very promising. Dr. Humfrey

1 hired an acoustical engineering firm out of Oakland who is  
2 world renowned for their study with vibration with rail  
3 and so forth.

4           Based on that, in 2000 the San Jose Valley  
5 Transit Authority chose to explore this option further.  
6 We built a test section in their yard using tire derived  
7 aggregate for vibration mitigation. Vibration mitigation  
8 is now an immediate standard. Before, there wasn't  
9 anything. So you -- simply said, a train can't rumble  
10 down and shake the buildings next to it beyond 72 decimals  
11 I think it is.

12           So we did a test in their rail yard using their  
13 actual vehicles. The results were very promising. So the  
14 VTA Vasona line that was constructed and put into  
15 operation last year, all the vibration mitigation was used  
16 that they used for the 2000 feet of rail that was directly  
17 adjacent to buildings they used the tire derived  
18 aggregate. It ended up saving VTA a little over a million  
19 dollars.

20           They chose this option with no subsidy from the  
21 Waste Management Board whatsoever. They did it solely on  
22 their own, because it was the cheapest best alternative.  
23 It went in for a little over \$100 per linear foot. And it  
24 was probably a little more expensive because it had never  
25 been done and the contractor probably overbid it. The

1 next alternative is about \$500 a linear foot. That line  
2 is up and operational right now. It seems to be operating  
3 fine. They're actually getting complaints about vibration  
4 in areas where they did not put the TDA. And we are going  
5 to go out. And it's been operating for six months now.  
6 And probably at the end of this month, we're going to do  
7 an additional study to see if the vibration mitigation  
8 properties continue to last after so many months.

9           The technology was also used in a major section  
10 of the Denver T-REX line. The consultant, Wilson Eric,  
11 who's the vibration mitigation, was asked to help them  
12 remedy a problem on an existing construction project. He  
13 came in, showed them this option, told them how cost  
14 effective it is. They've implemented it, and I think that  
15 line goes into operation at the end of the year.

16           Right now, BART is currently preparing to do an  
17 extension down into the San Jose area, and they're  
18 patiently waiting for our findings on the Pasona line  
19 because they plan on using TDA as possibly up to a mile of  
20 their track, because it is so cost effective.

21           BOARD MEMBER WIGGINS: That's really interesting.  
22 Thank you.

23           WASTE TIRE DIVERSION MANAGER DELMAGE: Madam  
24 Chair, if I might ask Stacey one more question.

25           CHAIRPERSON BROWN: Sure.

1           WASTE TIRE DIVERSION MANAGER DELMAGE: Could you  
2 give the Board members an example of how many tires can be  
3 diverted in applications like this?

4           MS. PATENAUDE: I think there was 100,000 tires  
5 used for the 2,000 feet of light rail for Pasona. So that  
6 was just a very small portion of the whole rail line. But  
7 they just picked it selectively based on the proximity to  
8 buildings and so forward. Next time, they'll probably be  
9 a little more less conservative and use it in more areas.

10          CHAIRPERSON BROWN: Great. Thank you, Stacey,  
11 very much.

12          Do we have any other questions?

13          Can I have a motion from the Board?

14          BOARD MEMBER MULÉ: Madam Chair, I'd like to move  
15 Resolution 2006-66.

16          BOARD MEMBER PEACE: Second.

17          CHAIRPERSON BROWN: It's been moved by Member  
18 Mulé and seconded by Member Peace.

19          Could we call the roll on Agenda Item 13?

20          EXECUTIVE ASSISTANT HARRIS: Danzinger?

21          BOARD MEMBER DANZINGER: Aye.

22          EXECUTIVE ASSISTANT HARRIS: Mulé?

23          BOARD MEMBER MULÉ: Aye.

24          EXECUTIVE ASSISTANT HARRIS: Peace?

25          BOARD MEMBER PEACE: I want to thank Stacey for

1 her expertise in this area. She has been pushing this  
2 almost all by herself, this TDA, and she's doing an  
3 excellent job.

4 Aye.

5 EXECUTIVE ASSISTANT HARRIS: Wiggins?

6 BOARD MEMBER WIGGINS: Aye.

7 EXECUTIVE ASSISTANT HARRIS: Brown?

8 CHAIRPERSON BROWN: Aye.

9 Thank you very much, Stacey.

10 Agenda Item 14, Consideration of the Issuance of  
11 a Major Waste Tire Facility Permit to Tri-C Tire  
12 Recycling, Inc., Sacramento County, presentation by  
13 Georgianne Turner. You don't look like Georgianne.

14 (Thereupon an overhead presentation was  
15 presented as follows.)

16 MR. SMITH: Good morning. Tire facilities don't  
17 come before the Board very often, so we'd like to take  
18 advantage of this opportunity and go through the process a  
19 little bit, just briefly.

20 My name is Terry Smith.

21 --o0o--

22 MR. SMITH: Waste fire facility permits, there's  
23 two types, minors and majors. And they're distinguished  
24 by the number of tires that they have. This smaller  
25 amount, of course, is the minor facility. They have less



1 than 5,000 tires. And a major permit will have over 5,000  
2 tires.

3 --o0o--

4 MR. SMITH: Minor permit application requirements  
5 include Form 500 through 503. The permit application Form  
6 500 has basic site information, tells how much acreage  
7 there is and how many tires they're going to store on  
8 site. It gives you operator and property owner  
9 information.

10 The operation plan Form 501 has information on  
11 how the operator plans to store the tires in a way that  
12 will meet the tire storage regulation. They're required  
13 to list the amount of water available in gallons per  
14 minute. They're required to have a vector control plan.  
15 They're required to have a fire control. And they have to  
16 have site security. They have to submit a plot plan,  
17 shows us where the fire hydrants are, the entrance to the  
18 facility, and various things like that. Also required is  
19 a location map so we can find the place if we decide to go  
20 for a visit.

21 Environmental information, of course, is the form  
22 that helps us collect information and allow us to make a  
23 decision as to where they're at as far as the California  
24 Environmental Quality Act is concerned, what documents  
25 have been produced in the past, and maybe what documents

1 may need to be done. Also it gives us information about  
2 zoning and business license so we have contact  
3 information, talk to local planning department. And it  
4 tells us what properties are adjacent to the facility.

5           And the last form, the emergency response plan,  
6 is just that. They have to have a list of emergency  
7 contacts, such as fire department and water authorities,  
8 hazmat people. They also have to have a plan in case  
9 there's an emergency. And they share this plan and work  
10 together with the fire department to come up with a plan  
11 in case there's a fire.

12           Also not in the forms, but we require the  
13 operators to get a local vector control approval of their  
14 plans. They have a plan to control the vectors, you know,  
15 minimize the amount of mosquito propagation and stuff and  
16 that has to be approved in writing. We have the fire  
17 department go out there and look at the site and get them  
18 to approve the tire storage plan as well. And as I  
19 mentioned, we evaluate whether the California  
20 Environmental Quality Act has been complied with, and we  
21 make sure that the facility is in the proper zone.

22                               --o0o--

23           MR. SMITH: A major permit is all of what a minor  
24 permit is. They have to turn in the same information plus  
25 a 504 Form, which is a closure plan. The closure plan

1 basically describes how they will close the facility. A  
2 major part of the closure plan is the closure cost  
3 estimate. Come up with the dollar amount it will take to  
4 clean up the maximum amount of tires they're authorized to  
5 store at that location.

6 This funding is approved by us, and then the  
7 operator has to come up with the financial assurance  
8 mechanism to hold those funds so they'll be available to  
9 the Board should the Board have to conduct cleanup of the  
10 site.

11 They also have to have operating liability which  
12 is basically pollution insurance. Pollution insurance, if  
13 you have less than 200,000 tires, you have to have a  
14 minimum of \$500,000 pollution insurance. Of course, you  
15 can be sued for much more than that, but that's a minimum  
16 they have to have. If they have over 200,000 tires, then  
17 they have to have a million dollars worth of insurance.

18 And they have to submit a reduction elimination  
19 plan. And this is basically how they would close their  
20 facility if they went out of business under normal  
21 circumstances.

22 --o0o--

23 MR. SMITH: Once we receive an application, we  
24 stamp it with the date of receipt, and we're supposed to  
25 accept or reject the application within 30 days.

1 Oftentimes, it's difficult to get all of the pieces put  
2 together within that amount of time and Tri-C had to waive  
3 the time. It's not uncommon. We have to get the fire  
4 department out there, vector control out there. We're  
5 talking to planning. We're trying to do all this stuff  
6 and coordinate everything within 30 days of receipt. So  
7 sometimes it's a little bit difficult.

8 But we want to make sure the application is  
9 complete and correct before we accept it. Because after  
10 we accept it, the Board has to deny or issue the permit  
11 within 180 days. And so we don't want to accept an  
12 application and then have to come right back to the Board  
13 and recommend they deny the issuance of the application.

14 There is one exception, and that's if we have to  
15 take over the role as lead agency and prepare an EIR, we  
16 have 365 days to deny or issue the permit. That's never  
17 happened, by the way.

18 --o0o--

19 MR. SMITH: I thought I would bring this up  
20 because I think it's interesting. The Board delegated the  
21 minor permits to the Executive Director back in 1998. Of  
22 course, if the minor permit is controversial in any way,  
23 we'll bring it to the Board. And we have brought several  
24 minor permits to the Board. Most of the cases were when  
25 we had to take over as lead agency and do our own CEQA

1 analysis, we had to get the Board to approve the  
2 environmental document, so we went ahead and brought the  
3 minor permit before the Board.

4 There's 32 minor permits. And there's only five  
5 major waste tire facility permits. All the majors are  
6 brought before the Board for their hearing. And major  
7 permits are heard by the Board. And if this one is  
8 approved today, that will be six major permits we'll have.

9 --o0o--

10 MR. SMITH: That's enough of the tire facility  
11 permit processing. We'll go ahead and talk about the  
12 consideration of the major permit for Tri-C at 8588 Thys  
13 Court in Sacramento.

14 --o0o--

15 MR. SMITH: At this location, 8588 Thys Court in  
16 Sacramento, tires have been continuously processed for  
17 ten years. At first, it was Total Tire Recycling. They  
18 started in '96 with the recycling exclusion, which is no  
19 longer in the regulations. We took it out because people  
20 were piling tires under this exclusion all over the state  
21 without having a requirement to meet any of the standards.

22 In '97, they were issued a major permit, Total  
23 Tires was, allowing them to store 10,500 tires, which is  
24 the amount that Tri-C is applying for today, has been  
25 previously approved for this location.

1           Tri-C took over the operation at Thys Court at  
2 the same time Total Tires was going out. They were  
3 moving. As a matter of fact, Tri-C set up operations  
4 there within a week Total Tires moved. Recently, they've  
5 been having difficulty staying in compliance with their  
6 permit limits. And so now they've brought before us today  
7 an application to go up to the 10,500 tire limit.

8                               --o0o--

9           MR. SMITH: Operations at the site consist of  
10 collecting tires and bringing them to the facility. They  
11 correct tires from northern and central California mostly.

12           The operator also accepts tires from the public.  
13 Most of all, what they try to do with most of the tire  
14 people is bring tires to their site. They sort them out  
15 and take the good used tires and they resell them. That's  
16 an important part of their business. The tires that they  
17 can't resell, they shred. And for Tri-C, they use the  
18 shred for alternative daily cover at L&D Landfill. They  
19 use them for civil engineered use at the Yolo Landfill and  
20 feedstock to produce crumb rubber. Of course, the last  
21 alternative is to take the shreds to the landfill for  
22 disposal.

23                               --o0o--

24           MR. SMITH: In 2005, the Board approved the grant  
25 for Tri-C to finance a granulator. This was to increase

1 the crumb rubber production and enhance the safety wall  
2 and other safety features at the site and to diversify the  
3 products that can be made at the facility.

4 --o0o--

5 MR. SMITH: Staff has reviewed all the  
6 information that the operator submitted and found they've  
7 met all the requirements including fire standards and  
8 indoor and outdoor storage of tires. Financial assurance  
9 and operating liability is adequate. And waste tire  
10 storage standards are being met as per our last  
11 inspection. And the California Environmental Quality Act  
12 has been satisfied.

13 --o0o--

14 MR. SMITH: Therefore, staff is recommending that  
15 the Board adopt Permit Decision Number 2006-67 and issue  
16 the Permit Number 34-TI-0598. Mr. Mark Korte is here  
17 representing Tri-C Tire and available to answer questions.  
18 And this concludes my presentation.

19 CHAIRPERSON BROWN: Great. Thank you very much,  
20 Terry. And I appreciate the overview that you started  
21 with.

22 Do we have any questions from Board members  
23 regarding this?

24 Member Mulé.

25 Member Peace.

1           BOARD MEMBER PEACE: I have a couple questions.  
2 It says the Board has 180 days to concur or object to the  
3 permit.

4           MR. SMITH: 180 days for the Board to issue or  
5 deny once we accept the application.

6           BOARD MEMBER PEACE: Is that the same thing as  
7 with P&E, but we only get 60 days for a landfill?

8           DEPUTY DIRECTOR LEVENSON: We have 60 days to --  
9 once we get a proposed permit application, we have 60 days  
10 to consider it. That's correct.

11          BOARD MEMBER PEACE: The tires get 180 days.

12          MR. SMITH: That's because we wrote regulations  
13 after we saw what happened with the solid waste.

14          BOARD MEMBER PEACE: Smart.  
15 It says in here that it came to staff's attention  
16 that Tri-C had contracted with an unregistered hauler.  
17 How did we discover that?

18          MR. SMITH: Part of that was discovered through  
19 electronic manifest system. Other parts were discovered  
20 by inspection or grantee I think down in San Diego  
21 stumbled across a guy that was headed to Mexico with  
22 tires. And they asked him where he got the tires. So two  
23 aspects of our program working real well there.

24          BOARD MEMBER PEACE: Mark, did you know you were  
25 contracting with an unregistered hauler?



1           MR. KORTE: Board Member Peace, I misunderstood  
2 the common carrier exclusion.

3           I'm Mark Korte, Tri-C.

4           And that's -- I goofed up.

5           BOARD MEMBER PEACE: But everything's cool now?

6           MR. KORTE: We're back on square one as far as I  
7 know.

8           BOARD MEMBER PEACE: Okay. And then when you say  
9 you can store up to 10,500 tires, is that whole tires?  
10 Does that include anything that would be processed? I  
11 know you have another facility where you do all your  
12 processing.

13          MR. KORTE: Board Member Peace, as long as it's  
14 under I think it's a quarter-inch, we're good to go.  
15 Anything over that is tire equivalence. So, yeah, we  
16 would be charged for anything that is in the form of a  
17 shred for example. And, you know, that may or may not  
18 cause some concern. As the tire derived aggregate is  
19 increased, the usage is increased. Maybe something the  
20 Board may have to address later on.

21          BOARD MEMBER PEACE: I think it is probably  
22 something we'll have to address in the future. Okay.  
23 Thank you.

24          CHAIRPERSON BROWN: Board Member Mulé.

25          BOARD MEMBER MULÉ: Thank you, Madam Chair.

1 I guess this question is for staff, probably for  
2 Wendy. So I don't know, Wendy, if you want to come up  
3 here. Since the applicant had contracted with an  
4 unregistered hauler and we have at least six times that we  
5 know of, it says that we -- are we going to pursue any  
6 administrative penalties, or what is our process for that?

7 SUPERVISOR TURNER: Actually, I thought this  
8 question might come up. So if you like, I'd like to just  
9 go through our progressive enforcement program. In  
10 general, we issue Notices of Violation for first-time  
11 offenses, and this case was a first time offense. You  
12 know, it is our option to go for administrative complaint,  
13 but it has not been staff's suggestion at this point.

14 BOARD MEMBER MULÉ: Okay. Well, you issued one  
15 NOV. But again, this had been -- there was six occasions  
16 where this contractor -- where this tire recycler had  
17 contracted with an unregistered --

18 SUPERVISOR TURNER: But we found it at one time.  
19 So it's not like they got six Notices of Violation. It  
20 came to our attention --

21 BOARD MEMBER MULÉ: But there was six occasions.

22 WASTE TIRE DIVERSION MANAGER DELMAGE: If I might  
23 add --

24 SUPERVISOR TURNER: But because it never came to  
25 our attention until before then. The six violations came

1 to our attention all at the same time because -- so we  
2 never notified them, because we didn't know that they were  
3 in violation.

4 CHAIRPERSON BROWN: Can you explain the common  
5 carrier misunderstanding that the property owner had so we  
6 can understand why he continued -- what is the common  
7 carrier?

8 SUPERVISOR TURNER: I think since this is out of  
9 the hauler unit, I think Keith will do a better job of  
10 explaining this.

11 SUPERVISOR CAMBRIDGE: Good morning, Board.  
12 Keith Cambridge with the Hauler Tire Manifest Program.

13 Possibly some of the confusion is with the common  
14 carrier. Under statute, common carrier is exempt in  
15 basically plain terms like that. However, further it's  
16 defined in regulation they have to ask for a letter of  
17 exemption from the Board before they are actually exempt.  
18 We make quite a stand on our comprehensive trip log  
19 guidance manual and all our literature we hand out we say  
20 if you are going to contract with a common carrier, they  
21 must have this letter of exemption with them at that time.  
22 However, we're still looking at that right now possibly  
23 even changing that law a little bit, because it is kind of  
24 an ambiguous law. When people look at the statute and it  
25 says common carriers are exempt, a lot of the common

1 carriers feel if they are a common carrier, they are  
2 exempt.

3 CHAIRPERSON BROWN: Okay. Thank you, Keith, for  
4 clarification.  
5 Wendy.

6 SENIOR STAFF COUNSEL BRECKON: My name is Wendy  
7 Breckon, Senior Staff Counsel, Legal Office.

8 We are currently meeting to discuss the common  
9 carrier exemption. I'm not in agreement that it's an  
10 ambiguous law at this time.

11 As far as progressive enforcement, you know,  
12 there's a number of permit capacity violations over time.  
13 And the way we look at that is the first offense would be,  
14 you know, the first time it occurred. And then after  
15 that, it would be the second and third and fourth time it  
16 occurred. So you know frankly we were looking at, you  
17 know, possibly going after that.

18 But since Tri-C did, you know, act in good faith  
19 to try to expand its capacity in a timely fashion, I think  
20 that was the reason that Program decided to just go  
21 forward with the permit. And if there are further  
22 violations, then we'll go after penalties and possibly  
23 even suspension and revocation of the permit.

24 As far as the hauler violation, I think Program  
25 looked at it like that's the first time we ever saw them

1 do anything with hauler violations. And so they're  
2 looking at it as a first time offense. And we're warning  
3 them, giving them warnings, saying don't do this again.  
4 And it appears that we haven't seen anything after that  
5 and that they're indeed acting in good faith.

6 CHAIRPERSON BROWN: Okay. Thank you, Wendy.

7 MR. SMITH: I'd like to put into perspective a  
8 little bit as far as the hauling of the tires, contracting  
9 with an unregistered hauler. These tires were purchased  
10 from Tri-C. It's not like the tires were paid to be  
11 disposed of. So the tires -- there's not really a big  
12 issue as far as where the tires are going. Somebody is  
13 going to reuse those tires.

14 Not to belittle the violation. We will take  
15 appropriate action if we find this again, and we'll move  
16 to the next step in our enforcement process. But I just  
17 want to put that in perspective, because a lot of times  
18 when you think contracting with an unregistered hauler,  
19 you're thinking people might dispose of them out in the  
20 hills or something. And in this case, the tires were good  
21 use tires that were purchased.

22 BOARD MEMBER DANZINGER: So you're saying they  
23 weren't paid to haul them?

24 MR. SMITH: They weren't paid to haul the tires.  
25 The person that took the tires paid for those tires.

1 BOARD MEMBER DANZINGER: Thanks.

2 CHAIRPERSON BROWN: Member Peace.

3 BOARD MEMBER PEACE: I've been out to the Tri-C  
4 facility, and I know Mr. Korte runs a good operation. And  
5 I know he does try to comply with all of our regulations.

6 WASTE TIRE DIVERSION MANAGER DELMAGE: Madam  
7 Chair, if I might add one last thing.

8 The reason we're looking at it as a single  
9 violation is because he's asserted and we believe that he  
10 thought dealing with a common carrier was exempt. We're  
11 out there now training everybody making sure they  
12 understand, especially with respect to the common carrier  
13 that they do have to have that letter. And so we believe  
14 he was operating under good faith, did not realize he was  
15 in violation. Once we found out that he was, we notified  
16 him immediately. He's taken the proper steps.

17 And then to just follow up on what you heard  
18 before. These are tires that, you know, have significant  
19 tread left that would be sold and put right back on cars.  
20 So, you know, there was a lot of mitigating factors that  
21 we took into consideration before we made this  
22 recommendation to the Board.

23 CHAIRPERSON BROWN: Thank you, Mitch. I  
24 appreciate that.

25 Can we have a motion on this?

1 BOARD MEMBER PEACE: I'd like to move Resolution  
2 Number 2006-67.

3 BOARD MEMBER WIGGINS: Second.

4 CHAIRPERSON BROWN: It's been moved by Member  
5 Peace and seconded by Member Wiggins.

6 Can we call the roll, please?

7 EXECUTIVE ASSISTANT HARRIS: Danzinger?

8 BOARD MEMBER DANZINGER: Aye.

9 EXECUTIVE ASSISTANT HARRIS: Mulé?

10 BOARD MEMBER MULÉ: Aye.

11 EXECUTIVE ASSISTANT HARRIS: Peace?

12 BOARD MEMBER PEACE: Aye.

13 EXECUTIVE ASSISTANT HARRIS: Wiggins?

14 BOARD MEMBER WIGGINS: Aye.

15 EXECUTIVE ASSISTANT HARRIS: Brown?

16 CHAIRPERSON BROWN: Aye.

17 Thank you very much, Terry.

18 Mitch, we'll move to Agenda Item 16, Report on  
19 the Status of the Remediation of the Sonoma County Waste  
20 Tire Sites.

21 WASTE TIRE DIVERSION MANAGER DELMAGE: Albert  
22 Johnson will be presenting this, and we'll try to keep it  
23 brief.

24 CHAIRPERSON BROWN: Thank you very much.

25 MR. JOHNSON: Good morning, Madam Chair and

1 members of the Board. My name is Albert Johnson. I'm  
2 going to update you on the accomplishments of what we've  
3 done over the last month with the Sonoma waste tire sites.

4 For the Universal Portfolio site, we've received  
5 written confirmation from them that they plan to remove  
6 all the tires as we had discussed last month. We met with  
7 their site representative and their engineer and talked  
8 about the restoration plan that they need to revise. And  
9 they should have that done by May, the revised plan.

10 We've also asked our contractor, ERRG, to develop  
11 a schedule for their remediation work itself, the removal  
12 of the tires. And they've done that. And that looks like  
13 it's going to take about eight weeks for them to remove  
14 the tires from the whole stage and get rid of them.

15 And what we intend to do is next week we're going  
16 to meet at the UP site with the site representative, our  
17 contractor, and their engineer, and we're going to look at  
18 the area where they'd like the tires staged so ERRG can  
19 develop a work plan. And we'll also discuss with them  
20 their schedule for the restoration work. And then we will  
21 have ERRG develop the work plan and also develop a  
22 critical path schedule that shows all the work that needs  
23 to be done so we can make sure we have the site cleaned up  
24 by the end of the summer.

25 For the other sites, we've met with LFR, our



1 environmental consultant for the CEQA work, and they have  
2 been in contact with the CEQA consultant to the Southern  
3 Sonoma Resource Conservation District, the RCD. And we've  
4 learned that they're indicating that at the Flochinni  
5 site they'll need to do an EIR they think at this point  
6 because there's a creek down at the bottom of the slope  
7 that may be critical habitat. So they're talking about an  
8 EIR for that site. And if that's the case, we won't be  
9 able to clean that site up until summer 2008.

10 For the other two sites, the Infineon Raceway and  
11 Ahlgrim site, it looks like they can do a mitigated  
12 negative declaration or a negative declaration and we  
13 should be able to clean those up next summer.

14 Our consultant, LFR, has also created this  
15 schedule that I've handed out to you which indicates a  
16 draft schedule and gives you a conceptual look at what's  
17 required for them to apply for their permits to get  
18 through the CEQA process. And this is shown for like the  
19 mitigated negative deg and the negative dec with a start  
20 time of summer 2007. And then for the EIR, it would be  
21 this schedule. You know, this is obviously going to be  
22 revised. This is conceptual at this point and it would be  
23 extended. What we're going to do with the schedule is get  
24 together with Leandra from the RCD and meet and show them  
25 what we have and see what they come up with so we can

1 develop a critical path schedule with milestones to make  
2 sure they keep on track and make sure we get these sites  
3 cleaned up.

4           So also at the Flochinni site, when we meet with  
5 Leandra within these next couple of weeks hopefully to  
6 discuss the schedule, we're also going to go to the  
7 Flochinni site, take a look at this slope, take our  
8 engineer with us, our contractor. And supposedly Leandra  
9 has contacted three geotechnical engineers to do the  
10 geotechnical study out there. Hopefully she's retained  
11 one of them and she can meet with us also and see what  
12 their recommendation is and keep that moving along.

13           At the Infineon Raceway, I've met with them also,  
14 and they've indicated that they're going to use their own  
15 environmental consultant to prepare the CEQA documents.  
16 It's the company that has done the EIR for the race track  
17 expansion, so they're very familiar with the property out  
18 there. And they'll prepare the documents they need and  
19 submit them to the agencies for their permit. So they  
20 look like they're doing pretty good. The Resource  
21 Conservation District at this point has still remained the  
22 lead agency for that site also. But they've kind of  
23 broken off on their own. So that kind of sums it up.

24           Within the next month, we intend to meet with  
25 Leandra. We'll meet with the UP site, and we'll keep this

1 moving along. So far, everything is going good.

2 CHAIRPERSON BROWN: Great. Albert, thank you  
3 very much.

4 MR. JOHNSON: If you have any questions, I'll be  
5 happy to answer them. If you have any specific questions  
6 about the schedule, we have Lucas Paz from LFR who's their  
7 CEQA expert and who helped us with the Karen Gerbosi's  
8 Beebe Family Ranch site doing the CEQA document.

9 CHAIRPERSON BROWN: You guys have made tremendous  
10 progress in these 30 days. More significant than the last  
11 probably six months. So thank you very much for doing  
12 that.

13 Any questions or comments from Board members?

14 Great. Thank you, Albert. I appreciate that.

15 Now we'd like to move to continuation of previous  
16 business, Agenda Item 1, Consideration of the Application  
17 to Redesignate the Northeastern California Recycling  
18 Market Development Zone. Bill Orr it says is going to  
19 present this.

20 ACTING DEPUTY DIRECTOR CONHEIM: Madam Chair, Bob  
21 Conheim for the Waste Prevention and Market Development  
22 Division. I'll introduce the staff.

23 We're bringing back this renewal application for  
24 the Northeast California Recycling Market Development  
25 Zone, because in March the Board had questions that were

1   unanswered.   And my understanding was that the Zone  
2   Administrator was unavailable due to weather.   And  
3   remarkably, Monica Cochran is here today and the weather  
4   is just as bad.   So what we're going to do is have Steve  
5   Boyd of staff supported by Supervisor Corky Mau and  
6   Manager John Smith make a brief presentation and allow  
7   Monica Cochran also to speak and try answer your questions  
8   related to businesses sited in the zone and tonnages  
9   diverted and any other questions that you have.

10           CHAIRPERSON BROWN:   Thank you very much,  
11   Mr. Conheim.

12           MR. BOYD:   Good morning, Madam Chair and Board  
13   members.   For the record, I'm Steve Boyd with the Board's  
14   Recycling Business Assistance Branch.

15           The continued item before you today asks for your  
16   consideration of the redesignation of the Northeastern  
17   California Recycling Market Development Zone.   As  
18   Mr. Conheim has stated, our Zone Administrator did beat  
19   the elements today, and she is here from Susanville to  
20   address you.

21           Before I turn our presentation over to Monica, I  
22   want to pick up where we left off at the March Board  
23   meeting.   I'm sorry that I did not have all the answers to  
24   your questions at the March meeting.

25           Considerable RMDZ activity work goes on at the

1 local level that I frequently am not aware of. And I did  
2 not want to misrepresent this effort. Monica's the RMDZ  
3 team captain and calls on different team members as issues  
4 develop with a prospect. This way, Board staff time is  
5 leveraged and only spend when we are needed or when we can  
6 contribute.

7 I would like to state that the RMDZ Program is  
8 different things to different jurisdictions. In an urban  
9 RMDZ, our program can be support for a recycling  
10 infrastructure that has an acceptable economy of scale.  
11 In the case of Northeastern California, in the zone with a  
12 very challenged economy of scale, the RMDZ program takes  
13 on the role of facilitator or enabler of the region's  
14 recycling effort.

15 Now to answer your questions as to the amount of  
16 diverted material that the Northeastern California RMDZ  
17 has been responsible for. While a good deal of our work  
18 with businesses is conducted on a confidential basis, we  
19 have identified 71 tons of material that would not have  
20 been diverted. The number of businesses and organizations  
21 that have received RMDZ services related to the region's  
22 recycled material is 14. In addition, there were 29  
23 attendees that participated in the inventors' workshop  
24 that was hosted by the Northeastern California RMDZ.

25 I have heard the RMDZ Program and its process

1 described as cumbersome. And while this is not my choice  
2 of words, to get recycled material from the waste  
3 generator to the collector, through the processors,  
4 through the manufacturers, and finally back into commerce  
5 is a complex process.

6 Before Northeastern California was designated as  
7 an RMDZ, a team had to be established to address the  
8 complexities. This involved a number of jurisdictions,  
9 including the Board of Supervisors in three counties,  
10 Councils in three incorporated cities, their respective  
11 local media, public works departments and those connected  
12 with waste management, a number of economic development  
13 service providers, planning and permitting departments,  
14 and even environmental health services.

15 In rural RMDZs, this process is further  
16 complicated by the fact that zone administrators wear a  
17 number of employment hats. And as an extreme example of  
18 this, when the Oroville Recycling Market Development Zone  
19 was first designated, our zone administrator was also the  
20 city's Fire Chief.

21 Now I want to introduce Monica Cochran, our  
22 Northeastern California Recycling Zone Administrator.

23 CHAIRPERSON BROWN: Thank you, Steve.

24 Monica, congratulations. Welcome.

25 MS. COCHRAN: Thank you. Good morning. My name

1 is Monica Cochran. I'm the Zone Administrator for  
2 Northeastern California. I'm also the Chief of Economic  
3 Development for Lassen County. That's my primary job  
4 there.

5 I just want to touch on a few businesses that we  
6 have in our area and some prospective ventures that will  
7 be happening in the near future.

8 I've been participating in the RMDZ for about  
9 three years. Unfortunately or fortunately, some of that  
10 time I was out on maternity leave. So you'll have to  
11 forgive any lapse of information that I have.

12 In our Northeastern California area, in the past  
13 we're primarily a timber industry. And over ten years,  
14 we've been transitioning to more towards an ag related.  
15 So that was just the premise to the rest of my  
16 presentation.

17 In our area, we have two State prisons and one  
18 federal prison. And Steve and I have been working  
19 together with the California Correction Center to assist  
20 them in diverting of textiles. Currently, they're being  
21 landfilled. We have a report from them that their overall  
22 generated waste for a year is 4200 tons with 3,000 being  
23 currently diverted, which is 70 percent. So we're trying  
24 to assist them with the textiles. And in the past,  
25 there's been a few projects with that, but we would like

1 to assist them more.

2 In the beaver area of Lassen County, there is a  
3 mill that was once closed and is now partially  
4 operational. This plant creates an opportunity for  
5 recycling based manufacturing that have high energy  
6 requirements. One of the marketing tools that they have  
7 there is that they can offer less expensive power because  
8 of their cogen plant.

9 In the zone there's also six other cogen plants.

10 We have a Pozzalan mining mine, I guess. I was  
11 going to call them a company, but they're a mine. And  
12 they have a big production facility. And just a few  
13 months ago, we had a large meeting there with people from  
14 Utah, Canada, Butte County, Grass Valley, and they were  
15 all there exploring different recycling content product  
16 options.

17 As Steve said, we hosted the inventor's workshop  
18 that had 29 attendees a few years ago. And now we're  
19 working on a workshop for small businesses, entrepreneurs  
20 that will focus their opportunities on diverting  
21 materials. We have a proposed Four Seasons resort at Dyer  
22 Mountain, which is currently in the EIR process. They're  
23 proposing a very green resort. So there will be many  
24 possibilities there working with entrepreneurs.

25 In our zone, we have three national forests which



1 encompass 4.3 million acres and attract 1.7 million  
2 visitors annually. The waste generated from these  
3 visitors has a tremendous impact on our local landfills.  
4 The RMDZ designation provides opportunity to reduce this  
5 impact.

6           And just to give you an example of how  
7 significant this is, the three counties only have a  
8 population combined of 67,000. So 1.7 million visitors a  
9 year is a lot.

10           We have a strawberry plant production company  
11 that has annual revenue that exceeds \$6 million and  
12 creates substantial amount of ag film waste. So we're  
13 looking at working with them.

14           We have the Sierra Army Depot located in our  
15 zone. In the past, used and damaged vehicles from Iraq  
16 and Afghanistan have been brought back to the base for  
17 storage and reconditioning and dismantling. This also  
18 creates potential recycling opportunities for these  
19 materials.

20           We haven't had any loans. We did have one  
21 potential loan with Lost Creek Dirt Works, and a change in  
22 the Board's policy with respect to tiered composting  
23 derailed the loan by making the project unattainable due  
24 to associated permitting costs.

25           At our county level we're developing a new

1 website with a link to RMDZ on our home page, which is  
2 kind of exciting, so that might give us a little more  
3 interest.

4 And that's about all I have to say. So if you  
5 have any more questions before I turn it back to Steve,  
6 I'll be happy to answer them for you.

7 CHAIRPERSON BROWN: Thank you very much. That  
8 was very helpful to hear all of the things you guys are  
9 doing in your zone.

10 Do we have any questions from Board members?

11 BOARD MEMBER PEACE: I don't have any questions,  
12 but I want to thank Monica again for braving the weather  
13 to be here. This sounds like a real community that can  
14 really benefit from our assistance.

15 MS. COCHRAN: I believe so.

16 CHAIRPERSON BROWN: Thank you very much, Monica.

17 MR. BOYD: Just a quick wrap up here. Steve Boyd  
18 again.

19 Just some information. I have the mostly rural  
20 RMDZ zone north of Sacramento. And you might be surprised  
21 to know that the investment in recycled content product  
22 manufacturing in this area exceeds \$250 million. This is  
23 private investment. Your RMDZ Program has contributed  
24 greatly to this investment. In many cases, it was years  
25 before the RMDZ opportunities presented themselves. But

1 when they did, we were able to contribute because the zone  
2 and its services were there. My experience has shown that  
3 the more rural the zone, the more time before major  
4 successes surface through our complex process.

5 And in closing, staff recommends Option 1, that's  
6 the redesignation of the zone, and the approval of  
7 Resolution 2006-50. I'd be glad to answer any questions  
8 that you might have for me.

9 CHAIRPERSON BROWN: Thank you, Steve. Can I have  
10 a motion from the Board?

11 BOARD MEMBER PEACE: I'd like to move Resolution  
12 2006-50.

13 BOARD MEMBER MULÉ: Second.

14 CHAIRPERSON BROWN: It's been moved by Member  
15 Peace and seconded by Member Mulé.

16 Jennine, can you call the roll, please?

17 EXECUTIVE ASSISTANT HARRIS: Danzinger?

18 BOARD MEMBER DANZINGER: Aye.

19 EXECUTIVE ASSISTANT HARRIS: Mulé?

20 BOARD MEMBER MULÉ: Aye.

21 EXECUTIVE ASSISTANT HARRIS: Peace?

22 BOARD MEMBER PEACE: Aye.

23 EXECUTIVE ASSISTANT HARRIS: Wiggins?

24 BOARD MEMBER WIGGINS: Aye.

25 EXECUTIVE ASSISTANT HARRIS: Brown?

1 CHAIRPERSON BROWN: Aye.

2 Thank you.

3 Any other public comment?

4 At this time, we will move to a closed session of  
5 the Board. And we will adjourn directly from that closed  
6 session. Thank you.

7 (Thereupon the California Integrated Waste  
8 Management Board, Sustainability and Market  
9 Development Committee recessed into closed  
10 session at 11:32 a.m.)

11 (Thereupon the California Integrated Waste  
12 Management Board, Sustainability and Market  
13 Development Committee Adjourned at 11:32 a.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 18th day April, 2006.

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